

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SKYE A. WOODS,

Plaintiff,

v.

Case No. 2:23-cv-4089

Judge James L. Graham

Magistrate Judge Elizabeth P. Deavers

KRISTINE RUMER, *et al.*,

Defendants.

ORDER AND REPORT AND RECOMMENDATION

This matter is before the Court on Defendants’ Motion to Dismiss Amended Complaint. (ECF No 60.) Defendants move to dismiss Plaintiff’s entire Amended Complaint but fail to meet their burden as the movant on three of Plaintiff’s claims. (*Id.* at PageID 463 (“this Court should dismiss all claims”).) Defendants do not argue why Plaintiff’s claims pursuant to 42 U.S.C. § 2000dd(a)(d) and 42 U.S.C. § 12132 and her constitutional challenge to Ohio Department of Rehabilitation and Correction Policy 69-OHC-07 should be dismissed.¹ Accordingly, Defendants are **ORDERED** to file a supplemental brief addressing those claims on or before **JULY 11, 2025**. Plaintiff may have **21 DAYS** to file a response to the supplemental brief. Defendants may have **14 DAYS** to file a reply.

The Undersigned **RECOMMENDS** that the Court **deny** Defendants’ Motion (ECF No. 60) **without prejudice** to refiling.²

¹ Defendants’ single conclusory sentence that 42 U.S.C. § 12132 “does not apply” is far from sufficient. (ECF No. 60, at PageID 477.)

² If the Court adopts this Recommendation, Defendants do not need to refile their entire Motion. They may incorporate by reference their previous arguments, and the Undersigned will consider the supplemental brief in conjunction with the first Motion.

PROCEDURE ON OBJECTIONS

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within 14 days, file and serve on all parties its objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within 14 days after being served with a copy. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review of by the District Judge and waiver of the right to appeal the judgment of the District Court. Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal . . .” (citation omitted)).

IT IS SO ORDERED.

Date: June 30, 2025

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE